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15 **BEFORE THE**
16 **RESPIRATORY CARE BOARD**
17 **DEPARTMENT OF CONSUMER AFFAIRS**
18 **STATE OF CALIFORNIA**

19 In the Matter of the Accusation Against:

Case No. 1H 2008 357

20 GLEN ALAN ASKLAND

21 13122 Sutton Street

22 Cerritos, California 90701

**DEFAULT DECISION
AND ORDER**

[Government Code § 11520]

23 Respiratory Care Practitioner License No. 5146

24 Respondent.

25 FINDINGS OF FACT

26 1. On or about March 11, 2009, Complainant Stephanie Nunez, in her
27 official capacity as Executive Officer of the Respiratory Care Board of California, Department of
28 Consumer Affairs, State of California, filed Accusation No. 1H 2008 357 against Glen Alan
Askland (Respondent) before the Respiratory Care Board (Board).

2. On or about June 21, 1985, the Board issued Respiratory Care Practitioner
License Number 5146 to Respondent. This license will expire on January 31, 2011, unless
renewed.

3. On or about March 11, 2009, Andrea Pina, an employee of the

1 Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No.
2 1H 2008 357, Statement to Respondent, Notice of Defense, Request for Discovery, and
3 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
4 with the Board at 13122 Sutton Street, Cerritos, California 90701. A copy of the Accusation, the
5 related documents, and Declaration of Service are attached as Exhibit A, and incorporated as if
6 fully set forth herein.

7 4. The above-described service of the Accusation was effective as a matter of
8 law pursuant to the provisions of Government Code section 11505, subdivision (c).

9 5. On or about March 13, 2009, the Domestic Return Receipt was signed
10 acknowledging receipt of the Accusation and related documents. A copy of the Domestic Return
11 Receipt is attached as Exhibit B, and incorporated herein by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 "(a) Within 15 days after service of the accusation, the respondent may file with
14 the agency a notice of defense. . . .

15 " . . .

16 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
18 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
19 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

20 7. Respondent failed to file a Notice of Defense within 15 days after service
21 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
22 Accusation No. 1H 2008 357.

23 8. California Government Code section 11520 states, in pertinent part:

24 "(a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions or upon
26 other evidence and affidavits may be used as evidence without any notice to respondent."

27 9. Pursuant to its authority under Government Code section 11520, the Board
28 finds Respondent is in default. The Board will take action without further hearing, and based on

Respondent's express admissions by way of default and the evidence before it, contained in Exhibit A, finds that the allegations, and each of them, in Accusation No. 1H 2008 357 are true.

10. The Board further finds that pursuant to Business and Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed for in the Accusation total \$1,139.50 based on the Certification of Costs contained in Exhibit C.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Glen Alan Askland has subjected his Respiratory Care Practitioner License No. 5146 to discipline.

2. Service of the Accusation and the related documents was proper and in accordance with the law.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board is authorized to revoke Respondent's Respiratory Care Practitioner License based upon violations of Business and Professions Code section 3750.5, subdivision (a), possession of the controlled substance cocaine as alleged in the Accusation.

5. Respondent is hereby ordered to pay the above costs of investigation and enforcement of this action.

ORDER

1. Respiratory Care Practitioner License No. 5146, heretofore issued to Respondent Glen Alan Askland, is hereby revoked.

2. If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

3. Respondent is ordered to reimburse the Board the amount of \$1,139.50 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

4. Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 29, 2009.

It is so ORDERED July 30, 2009

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Attachments:

Exhibit A: Accusation Case No. 1H 2008 357, Related Documents, and Declaration of Service

Exhibit B: Domestic Return Receipt

Exhibit C: Certification of Costs